

REMARKS

Claims 17, 20 and 22-27, 30 and 32-42 are pending. Claim 27 is amended herein to incorporate claims 28-29 and 31. Claims 28-29 and 31 are cancelled herein without prejudice or disclaimer. Claims 32, 34 and 35 are amended to provide for proper dependency. No new substantive matter has been entered by the amendments.

Applicant's undersigned representative thanks Examiner Burkhart for the courtesies extended during the telephone interview of January 26, 2010. Applicants separate record of the substance of the interview is included with the detailed remarks below.

Applicants' Response to the Claim Rejections under 35 U.S.C. §103(a)

Claims 17, 20, 22, 26, 28 and 29 are rejected under 35 U.S.C. §103(a) as being unpatentable over *JP'211* (JP 2003-103211) in view of *JP'768* (JP 2003-126768) as applied to claims above, and further in view of *JP'267* (JP 2002-331267).

Claims 27, 30-32 and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over *JP'211* (JP 2003-103211) in view of *JP'768* (JP 2003-126768).

As noted during the interview, applicants respectfully submit that JP '211, JP '768 and JP '267 are not combinable so as to result in the claimed invention. A skilled artisan as no rationale whereby they could derive the present invention based on the combined teachings. Specifically, a skilled artisan cannot utilize the wind shield of JP '211 so as to obtain applicants' claimed wind speeds and temperatures even in view of JP '267. Further, there is no rationale prompting a

skilled artisan to select the solid content of the coating solution of JP '768 for use with the air blowing characteristics of JP '267.

Under U.S. patent law, as set forth in *Takeda v. Alphapharm* 492 F.3d 1350, 1356-1357; 83 USPQ2d 1169 (Fed. Cir. 2007):

While the *KSR* Court rejected a rigid application of the teaching, suggestion, or motivation ("TSM") test in an obviousness inquiry, the Court acknowledged the importance of identifying "a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does" in an obviousness determination. *KSR*, 127 S. Ct. at 1731.

As noted during the Interview, applicants claimed invention is directed to a coating solution which has optical functionality and is made into a coating layer which is an optically functional layer. As set forth in parent claims 17 and 27, a specific dry wind speed and temperature are directly blown on a travelling direction of the film having the specific solid content and viscosity.

In regard to these features of the claim, the current rejection relies upon the disclosures of JP '211 of a wind shield 22 which shields a coating solution from disturbance from air room fluctuations between the coater 20 and a dryer 16. The rejection maintains that the wind shield 22 may be specifically adjusted so as to obtain the claimed parameters. As discussed during the interview, the Examiner cited to a reason to modify JP' 211 so as to have the parameters (speed, temperature, scattering) as claimed based on the disclosures of paragraph [0007]. Further, as stated at page 7, line 17 to page 8, line 4 of the Office Action, the rejection maintains that JP '211 discloses an air regulator at paragraph [0007] which a skilled artisan would modify so as to

obtain the claimed wind speed based on the disclosures JP '267. Further, in regard to the parameters of the wind speed and temperature, the Examiner cites to JP '267 as teaching that these are known parameters to affect the smoothness of a surface and thus a skilled artisan would have known to adjust these parameters to within a set range to obtain a desired smoothness. The rejection similarly treats the parameters of the coating solution relying upon disclosures as to viscosity and solid content from JP '211 and JP '768. In short, the rejection takes a position that applicants are applying a known technique of air drying a coating onto a film and that the parameters which would be required to do so efficiently would be readily ascertainable to a skilled artisan for smoothing a surface.

However, as noted during the Interview, the disclosure at paragraph [0007] of JP '211 relates only to the damaging effects that air flow in a room may have between a coating apparatus 20 and a dryer 16. Hence, the shield is to be placed between these two elements. As such, a skilled artisan cannot take from this disclosure of JP '211 in combination with that of JP'267 that the air flow may be sufficiently manipulated to obtain a optically functional property on a coating solution with specific solid content. There is no rationale prompting the skilled artisan to adjust the wind speed, temperature, scattering, solution solid content and viscosity to those of the claimed invention. During the interview, the Examiner concluded that a fuller translation of JP '211 would be ordered and studied in relation to this point. Applicants respectfully submit that regardless, JP '211 cannot be combined with JP '267 so as to derive the present invention.

For example, as illustrated by the embodiment in Fig. 1 of the current specification, an air nozzle 5 is positioned so that air is blown in a straight path from the air nozzle 5 to the substrate

and thereby the film is oriented. The current invention is specifically blowing an amount of wind at a set speed, temperature and scattering onto a coating solution of a specific solid content and viscosity to obtain the orientation result.

Contrary, the air shield 22 of JP '211 is not utilized in this manner, nor is there any rationale prompting a skilled artisan to utilize the shield 22 in this manner. In JP '211, the air ventilation is simply that which is circulating throughout the room. There is no disclosure that air is capable of regulation to such a specificity so as to result in a desired orientation. Rather, JP '211 has a separate dryer 16 beyond the wind shield panel 22 to perform a drying function. A skilled artisan readily realizes that the shield 22 is protecting the film prior to a drying process 16. As such, the skilled artisan has no reason/rationale to adjust the air ventilation of the room so as to set a specific wind speed onto the film at the end of the shield.

In conclusion, there is a substantial difference between regulating the amount of air which interacts with the film by utilizing a shield, and generating an air flow of a specific speed to directly contact and precisely manipulate the film. As such, a skilled artisan, even in view of the other teachings of JP '267 would not use the shield device of JP '211 as a means to orient a coating solution onto a substrate with set parameters of speed and temperature.

Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over JP'211 in view of JP'768 and JP'267 as applied to claims above, and further in view of DE'280 (DE 4342280). Claims 24 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable

over JP'211 in view of JP'768 and JP'267 as applied to claims above, and further in view of DE'280 and JP'799 (JP 2001-314799).

By addressing the rejection of claim 17 as noted above, likewise these rejections should be considered addressed by nature of the claims' dependencies.

Claim 33 is rejected under 35 U.S.C. §103(a) as being unpatentable over JP'211 in view of JP'768 as applied to claims above, and further in view of DE'280 (DE 4342280).

Claims 34 and 35 rejected under 35 U.S.C. §103(a) as being unpatentable over JP'211 in view of JP'768 as applied to claims above, and further in view of DE'280 and JP'799 (JP 2001-314799).

Applicants respectfully submit that by addressing the rejection of claim 27, likewise these rejections should be considered addressed by nature of their dependency.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

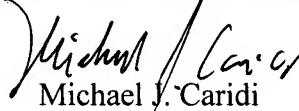
Application No. 10/563,865
Art Unit: 1792

Amendment under 37 C.F.R. §1.116
Attorney Docket No. 053537

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Michael J. Caridi", is written over the printed name.

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